***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***
***BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

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| Applicant: | Wang, et al. |
| Title: | REDUCING EFFECTS CAUSED BY TRANSMISSION CHANNEL ERRORS DURING A STREAMING SESSION |
| Appl. No.: | 10/612,401 |
| Appl. Filing Date: | 7/1/2003 |
| Examiner: | Christine T. Duong |
| Art Unit: | 2462 |
| Confirmation Number: | 3233 |

**BRIEF ON APPEAL**

Mail Stop Appeal Brief - Patents
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Sir/Madam:

This Appeal Brief is being filed in response to a Notification of Non-Compliant Appeal Brief mailed March 10, 2010, providing a one-month period of reply. As a result, the submission of this corrected Appeal Brief is timely filed. The Notification of the Non-Compliant Appeal Brief stated that the previous Appeal Brief did not contain "the status of all claims". Accordingly, this Amended Appeal Brief now contains the status of all the claims, including canceled claims 2, 4, 8, 12-14, 21-23, and 29 in the Status of Claims section.

The previous Appeal Brief was filed in response to a Notice of Panel Decision from Pre-Appeal Brief Review mailed November 10, 2009, rejecting Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32. The Notice of Panel Decision from Pre-Appeal Brief Review was prepared in response to a Notice of Appeal and Pre-Appeal Brief mailed September 24, 2009. Appellant does not believe that a fee is due for this filing. However, if a fee is

deemed due, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

Accordingly, Appellant respectfully requests reconsideration of the Application.

## REAL PARTY IN INTEREST

The real party in interest is Spyder Navigations L.L.C., the assignee of record, having a place of business at 1209 Orange Street, Wilmington, Delaware 19801 USA. The assignment to Spyder Navigations L.L.C. was recorded in the records of the United States Patent and Trademark Office at Reel/Frame 019660/0286 on August 7, 2007.

## RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellants or Appellants' patent representative.

## STATUS OF CLAIMS

The present appeal is directed to Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32, all of which stand rejected pursuant to a Final Office Action dated June 24, 2009. Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are being appealed. Claims 2, 4, 8, 12-14, 21-23, and 29 have been canceled. The claims, with appropriate status references, are shown in the attached Claims Appendix.

## STATUS OF AMENDMENTS

A Final Office Action dated June 24, 2009 was received by Appellants. Applicants filed an after final response on August 17, 2009. A Notice of Appeal with a Pre-Appeal Brief was electronically filed with the US Patent and Trademark Office on June 1, 2009. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed September 24, 2009, in which the rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 was maintained. Thus, no amendments have been made in the present Application subsequent to the response to the Final Office Action.

## SUMMARY OF CLAIMED SUBJECT MATTER

Six independent claims, Claims 18, 20, 24, 25 and 26, are under appeal and argued below as a group.

Claim 1 is directed to a method for streaming media from a streaming server 111 to a streaming client 101 via a transmission channel. The method includes:

receiving a first request for media from a streaming client 101 at a streaming server 111 (e.g., para. [0053] and [0085]);

sending a response to the received first request from the streaming server 111 to the streaming client 101, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0069], [0054], [0086]);

receiving a second request from the streaming client 101 at the streaming server 111, the second request including an error resilience level selected from the plurality of error resilience levels (e.g., para. [0019], [0056], [0087]); and

sending the media from the streaming server 111 to the streaming client 101 based on the error resilience level (e.g., para. [0056], [0060] – [0075], [0089] –[0090]).

Claim 18 is directed to a client device 101. The client device 101 includes receiving means for receiving streaming media sent from a streaming server 111 to the client device 101 via a transmission channel (e.g., 175, para. [0013]) and for receiving a plurality of error resilience levels supportable by the streaming server 111 in streaming the media to the client device 101. The plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server 111 (e.g., para. [0060] – [0072]) and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0090]). The client device also includes

detection means for detecting transmission channel errors (e.g., para. [0099], [00113] - [00114]) and sending means for sending an error resilience selection from the received plurality of error resilience levels to the streaming server 111 (e.g., para. [0100], [0113] - , [0114]).

Claim 20 is directed to a streaming server 111. The streaming server 111 includes receiving means for receiving a first request for media from a streaming client 110 (e.g. network interface 155, para. [0108]) and for receiving a second request from the streaming client (e.g. network interface 155, para. [0108]). The second request includes an error resilience level selected from a plurality of error resilience levels (e.g., 175, para. [0072] – [0074], [0086], [0113]). The plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server (e.g., para. [0060] – [0072]) and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0090]). The streaming server 111 also includes sending means for sending a response to the first request to the streaming client (e.g. network interface 155, para. [0108]). The response includes the plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client (e.g., para. [0107] – [0109]) and for sending streaming media to the streaming client via a transmission channel based on the error resilience level (e.g., para. [0109]).

Claim 24 is directed to a computer-readable medium memory including computer-readable instructions program code that, upon execution by a processor, cause a device to send a response to a first device requesting media (e.g., program 114, para. [0106]). The response includes a plurality of error resilience levels supportable when sending the media to the first device (e.g., para. [0072] – [0074], [0054], [0086]). The plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the device (e.g., para. [0060] – [0072]) and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0090]). The

device further processes a second request received from the first device where the second request includes an error resilience level selected from the plurality of error resilience levels (e.g., para. [0107] – [0109]). The device also sends the media to the first device based on the error resilience level (e.g., para. [0109]).

Claim 25 is directed to a computer-readable medium memory including computer-readable instructions program code that, upon execution by a processor, cause the processor to receive streamed media from a streaming server via a transmission channel, the instructions program code configured to cause a device to send a first request for media to a streaming server (e.g., software 174, para. [0114]) and receive a response from the streaming server (e.g., para. [0085]). The response includes a plurality of error resilience levels supportable by the streaming server when sending the media (e.g., para. [0072] – [0074], [0069], [0054], [0086]). The plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server (e.g., para. [0060] – [0072]) and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0090]). The processor further sends a second request to the streaming server where the second request includes an error resilience level selected from the plurality of error resilience levels (e.g., para. [0107] – [0109]). The processor also receives the media from the streaming server based on the error resilience level (e.g., para. [0109]).

Claim 26 is directed to a method for receiving streamed media from a streaming server 111 via a transmission channel. The method includes:

sending a first request for media from a streaming client 101 to a streaming server 111 (e.g., para. [0053] and [0085]));

receiving a response from the streaming server 111 at the streaming client 101, the response including a plurality of error resilience levels supportable by the streaming server 111 when sending the media, wherein the plurality of error resilience levels includes a

first error resilience level indicating a default error resilience level of the streaming server 111 and a second error resilience level indicating an alternative error resilience level (e.g., para. [0072] – [0074], [0069], [0054], [0086]);

sending a second request from the streaming client 101 to the streaming server 111, the second request including an error resilience level selected from the plurality of error resilience levels (e.g., para. [0019], [0056], [0087]); and

receiving the media from the streaming server at the streaming client based on the error resilience level (e.g., para. [0056], [0060] – [0075], [0089] – [0090]).

## GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

One ground of rejection is presented for review in this appeal: The rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0141740 to Matsui (*Matsui*) in view of U.S. Patent Publication No. 2003/0195979 to Park (*Park*).

## ARGUMENT

### I. LEGAL STANDARDS UNDER 35 U.S.C. 103(a)

35 U.S.C. 103(a) states:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Obviousness under 35 U.S.C. 103(a) involves four factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *See Graham v. John Deere Co.*, 383 U.S. 1 (1966).

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72 (Fed. Cir. 1984).

According to M.P.E.P. § 706.02(j),

> 35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:
>
> (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
>
> (B) the difference or differences in the claim over the applied reference(s),
>
> (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
>
> (D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made**.
>
> ** "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

## II. REJECTION OF CLAIMS 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32

In section 2 of the final Office Action dated June 24, 2009, Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent Publication No. 2002/0141740 to Matsui (*Matsui*) in view of U.S. Patent Publication No. 2003/0195979 to Park (*Park*). Appellants respectfully disagree because *Matsui* and *Park*, alone and in combination, fail to teach, suggest, or disclose all of the elements of at least independent Claims 1, 18, 20, and 24-26.

**1. The combination of *Matsui* and *Park* fails to show "a default error resilience level of the streaming server" as recited by the claims.**

Independent Claims 1, 18, 20, and 24-26, recite in part:

> wherein **the plurality of error resilience levels includes** a first error resilience level indicating **a default error resilience level of the streaming server** and a second error resilience level indicating an alternative error resilience level;

(emphasis added.)

On page 5 of the Office Action, the Examiner states that "Matsui does not explicitly disclose a default error resilience level of the streaming server." Appellants agree that *Matsui* fails to teach at least this element of independent Claims 1, 18, 20, and 24-26.

On the continuation sheet of the Advisory Action, the Examiner states:

> Park discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats" (Park [0042]). This shows that there are two error resilience levels. Park discloses "The packetizing unit 13 packetizes the bit streams in a predetermined coding format. In the case of MPEG-4, the coding formats are divided into a coding format to code one general frame into a whole and a coding format using a data partitioning method" (Park [0039]). This shows that one of the error resilience level is a default error resilience level. Therefore, Park discloses the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level.

On pages 19-20 of the Final Office Action, the Examiner similarly states:

> **In response to Applicants' argument**, the examiner respectfully disagrees. Park discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be

> coded in at least two coding formats" ([0042]), "the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" ([0043]), "The packetizing unit 43 packetizes the bit streams in a predetermined coding format" ([0049]). This shows that there are two different levels from the server, where one is a default level. Therefore, Park discloses the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server.

(Underlining added). On page 5 of the Final Office Action, the Examiner also states:

> Nevertheless, *Park* discloses "the server 10 provides or informs of at least two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats. At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20" (*Park* [0042-0043]) and "the server 40 packetizes and transmits the bit streams in the general coding format to the terminal 50" (*Park* [0053]).
>
> Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a default error resilience level of the streaming server because "the packetizing unit 13 packetizes the bit streams in a predetermined coding format" (Park [0039]).

(Underlining added).

Appellants respectfully disagree and submit that the Examiner has mischaracterized *Park* and fails to properly apply the plain meaning of the claim language. The fact that *Park* discloses two different coding formats, that the format is predetermined, and that one of the formats is referenced as a general coding format does not teach a *default* coding format. Based on the plain meaning, a default value indicates an automatic assignment of a value to a parameter unless the value is changed to another value based on some other determination, action, etc. ***Park* fails to provide any disclosure, teaching, or suggestion that a general coding format is in any way related to a "default error resilience level."** The rejection cannot be maintained without Park showing a "default error resilience level."

**2. *Park* uses coding formats that change depending on the network state, not "a default error resilience level of the streaming server," as claimed**

*Park* describes a "packetizing unit [that] packetizes the bit streams stored in the contents storing unit in a predetermined coding format, and packetizes the bit streams in a different coding format when a state of the network changes." (Abstract; underlining added). In fact, *Park* repeatedly describes "a packetizing unit packetizing the bit streams stored in the contents storing unit in a predetermined coding format, and packetizing the bit streams in a different coding format when a state of the network changes." (Paras. [0012], [0014]). *Park* also states that "[m]ore specifically, when the network has an abnormal state in the receiving of the coding request, the coding format is modified into a packet resilient coding format to be resilient from a packet loss." (Para. [0017]; underlining added). To indicate the coding format used, *Park* states:

> ...: packetizing a packet to be transmitted having a descriptor field that describes a coding format of an inner payload, generating the packet according to another coding format; and transmitting the generated packet of another coding format to the one or more terminals.

(Para. [0020]; underlining added). *Park* similarly states:

> ...: receiving a packet having a descriptor field indicating a coding format of an inner payload, wherein the received packet is packetized in the another coding format; and decoding, where the packet in the another coding format is de-packetized.

(Para. [0021]; underlining added).

Thus, Park describes a first coding format for use in a first network state and a second coding format for use in a second network state considered abnormal. The coding format used is indicated to the other device using an indicator included in a descriptor field of the packet. *Park* also states:

> According to another aspect of the present invention, there is provided method of transmitting a packet to provide a multimedia streaming service to one or more terminals connected through a network, including: informing the one or more terminals of contents information comprising coding

> formats and playback time of contents; receiving a coding request from the one or more terminals to perform a coding process in one of the **coding formats according to a state of the network**; and packetizing and transmitting bit streams in the requested coding format to the one or more terminals.

(Para. [0016]; underlining and bolding added).

Thus, according to *Park*, the server provides coding formats to the terminal and the terminal may select a coding format based on the state of the network. If the network is in an abnormal state, the coding format selected is modified into a packet resilient coding format. ***Park* fails to provide any disclosure, teaching, or suggestion that either format is in any way related to a default error resilience level.** Instead, the coding format is selected based on the state of the network. *Park* still further states:

> [0039] The packetizing unit 13 packetizes the bit streams in a predetermined coding format. In the case of MPEG-4, the coding formats are divided into a coding format to code one general frame into a whole and a coding format using a data partitioning method.
>
> [0040] In the first aspect according to the present invention, when the server 10 is connected to the terminal 20, if the terminal 20 transmits a describe command to the server 10, the server 10 transmits contents information, such as the coding formats and a playback time of the contents to the terminal 20. Accordingly, when a state of the network 30 is changed, the terminal 20 **adaptively selects the coding format according to the state of the network** 30 and requests the selected coding format to the server 10. The packetizing unit 13 packetizes the bit steams in the coding format requested by the terminal 20.
>
> ...
>
> [0042] At operation S102, when the terminal 20 is connected to the server 10, the terminal 20 transmits the describe command to the server 10 to obtain the contents information. At operation S104, the server 10 transmits the contents information such as the coding formats and the playback time of the contents to the terminal 20. Here, the server 10 provides or informs of at least **two types of coding formats and the terminal 20 recognizes that the corresponding contents can be coded in at least two coding formats**.
>
> [0043] At operation S105, the server 10 packetizes and transmits the bit streams in a general coding format to the terminal 20. At operation S106, the terminal 20 decodes the

> transmitted data in a decoding format suitable for the coding format and monitors the state of the network 30. ....
>
> [0044] At operation S108, when monitoring the abnormal state of the network 30, at operation S110, the terminal 20 requests the server 10 to modify the coding format into a packet resilient coding format to be resilient from the packet loss. At operation S112, the server 10 modifies the coding format into the packet resilient coding format, packetizes the bit streams in the modified format, and transmits the packetized bit streams i.e., the multimedia streams, to the corresponding terminals 20.

(Paras. [*0039*]-[0043]; underlining and bolding added).

Thus, the server provides coding formats so that the terminal recognizes that there are at least two coding formats. If the network is in an abnormal state, the coding format is modified into a packet resilient coding format.

**3. *Park* does not teach that a "general coding format" is the same as a "default" coding format or a "a default error resilience level"**

*Park* provides no indication that the general coding format is a default coding format. The general coding format merely refers to the "coding format to code one general frame into a whole." (Para. [0039]; underlining added). Thus, the general coding format merely distinguishes the selected coding format from the packet resilient coding format which is selected if the network is in an abnormal state. In fact, if the network is initially in an abnormal state, the packet resilient coding format would automatically be used because, according to *Park*, the coding format is selected based on the network state as monitored by the terminal (*see* para. [0044]) or by the server (*see* paras. [0050] and [0053]).

The terminal device further does not need to understand which coding format is a default coding format because the coding format is indicated in the packet itself. Thus, the system as described in *Park* has no need for a default coding format, which is used automatically if no other selection is made, because the selection is always based on the network state and the terminal knows which coding format is used because "the packet to

be transmitted includes a field that indicates by which coding format ... an associated inner payload has been coded." (Para. [0062]).

**4. Summary**

For at least the foregoing reasons, *Park* fails to disclose, teach, or suggest at least "wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level" (underlining added) as recited in Claims 1, 18, 20, and 24-26. *Park* merely indicates that "the corresponding contents can be coded in at least two coding formats" (para. [0042]) based on the network state. A rejection under 35 U.S.C. 103(a) cannot be properly maintained where the references used in the rejection fail to disclose all of the recited claim elements. Claims 3, 5, 6, 9-11, 17, and 27-31 depend from one of Claims 1, 18, and 20. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32.

In view of the foregoing, it is respectfully submitted that Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are in condition for allowance. Therefore, Appellants respectfully request withdrawal of the rejection of Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 for at least this reason.

## CONCLUSION

In view of the foregoing discussion and arguments, Appellant respectfully submits that Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are not properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsui* and *Park*. Accordingly, Appellants respectfully request that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Respectfully submitted,

Date March 29, 2010

By

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## CLAIMS APPENDIX

1. (Previously presented, Appealed) A method for streaming media from a streaming server to a streaming client via a transmission channel, wherein the method comprises:

receiving a first request for media from a streaming client at a streaming server;

sending a response to the received first request from the streaming server to the streaming client, the response including a plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level;

receiving a second request from the streaming client at the streaming server, the second request including an error resilience level selected from the plurality of error resilience levels; and

sending the media from the streaming server to the streaming client based on the error resilience level.

2. (Canceled)

3. (Previously presented, Appealed) The method of claim 1, wherein said plurality of error resilience levels are defined in accordance with a targeted highest data loss rate or a packet loss rate.

4. (Canceled)

5. (Previously presented, Appealed) The method of claim 1, wherein the method further comprises:

receiving from the streaming client at the streaming server, a request for a different error resilience level; and

adapting, by the streaming server, the error resilience level of the media sent in accordance with the request.

6. (Previously presented, Appealed) The method of claim 5, wherein said request is one of the following: a request for a specific error resilience level, an error resilience level increase request, or an error resilience level decrease request.

7. (Previously presented, Appealed) The method of claim 1, wherein the streaming server receives from the streaming client a RTCP (RTP Control Protocol (Real-Time Streaming Protocol)) report, indicative of transmission channel errors, and wherein the streaming server decides on a different error resilience level based on the RTCP report.

8. (Canceled)

9. (Previously presented, Appealed) The method of claim 1, wherein the media at the streaming server is associated with an error resilience value indicating a media content error resilience level.

10. (Previously presented, Appealed) The method of claim 9, wherein said error resilience value is stored in a file format in which said media is stored.

11. (Previously presented, Appealed) The method of claim 5, wherein error resilience adaptation is performed by switching the streaming server from sending a first generated stream having the error resilience level to sending a second generated stream having the different error resilience level, the different error resilience level differing from the error resilience level.

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Previously presented, Appealed) The method of claim 1, wherein sending the media uses a transmission channel at least partially implemented via a mobile communications network.

16. (Original, Appealed) The method of claim 15, wherein the streaming server has an IP connection (Internet Protocol) to an IP-based network which is configured to be coupled with the mobile communications network.

17. (Previously presented, Appealed) The method of claim 1, wherein said media comprises at least one of the following: a video content, an audio content, a still image, graphics, text and speech.

18. (Previously presented, Appealed) A client device comprising:

receiving means for receiving streaming media sent from a streaming server to the client device via a transmission channel and for receiving a plurality of error resilience levels supportable by the streaming server in streaming the media to the client device, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level;

detection means for detecting transmission channel errors; and

sending means for sending an error resilience selection from the received plurality of error resilience levels to the streaming server.

19. (Original) The client device of claim 18, wherein the client device is a mobile station of a cellular network.

20. (Previously presented, Appealed) A streaming server comprising:

receiving means for receiving a first request for media from a streaming client and for receiving a second request from the streaming client, the second request including an error resilience level selected from a plurality of error resilience levels, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level; and

sending means for sending a response to the first request to the streaming client, the response including the plurality of error resilience levels supportable by the streaming server in sending the media to the streaming client and for sending streaming media to the streaming client via a transmission channel based on the error resilience level.

21. (Canceled)

22. (Canceled)

23. (Canceled)

24. (Previously presented, Appealed) A computer-readable memory including computer-readable program code that, upon execution by a processor, cause a device to:

send a response to a first device requesting media, the response including a plurality of error resilience levels supportable when sending the media to the first device, wherein the plurality of error resilience levels includes a first error resilience level indicating a default

error resilience level of the device and a second error resilience level indicating an alternative error resilience level;

process a second request received from the first device, the second request including an error resilience level selected from the plurality of error resilience levels; and

send the media to the first device based on the error resilience level.

25. (Previously presented, Appealed) A computer-readable memory including computer-readable program code that, upon execution by a processor, cause the processor to receive streamed media from a streaming server via a transmission channel, the program code configured to cause a device to:

send a first request for media to a streaming server;

receive a response from the streaming server, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level;

send a second request to the streaming server, the second request including an error resilience level selected from the plurality of error resilience levels; and

receive the media from the streaming server based on the error resilience level.

26. (Previously presented, Appealed) A method for receiving streamed media from a streaming server via a transmission channel, the method comprising:

sending a first request for media from a streaming client to a streaming server;

receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level;

sending a second request from the streaming client to the streaming server, the second request including an error resilience level selected from the plurality of error resilience levels; and

receiving the media from the streaming server at the streaming client based on the error resilience level.

27. (Previously presented, Appealed) The method of claim 1, wherein the error resilience level is an integer value.

28. (Previously presented, Appealed) The method of claim 1, further comprising identifying a media content error resilience level from the media wherein the plurality of error resilience levels includes the identified media content error resilience level.

29. (Canceled)

30. (Previously presented, Appealed) The method of claim 1, further comprising selecting a media stream to send the media from a plurality of media streams based on the error resilience level.

31. (Previously presented, Appealed) The method of claim 1, further comprising, after sending the media from the streaming server to the streaming client, receiving a third request from the streaming client at the streaming server, the third request including a new error resilience level selected based on an error rate.

32. (Previously presented, Appealed) The method of claim 1, further comprising, receiving a third request from the streaming client at the streaming server, the third request including a request to identify a current error resilience level.

## EVIDENCE APPENDIX

None.

## RELATED PROCEEDINGS APPENDIX

None.